

REMARKS

Reconsideration and allowance of the claims pending in the application are requested , based on the Remarks, as follows:

I. Status of Claims:

The specification has been objected to under 37 CFR 1.75(d) (1) and MPEP 606.01(o).

Claims 2-11, 13-22, 24-30, 32-38 and 40-51 are pending in the subject application.

Claims 2-6, 9-11, 13-17, 20-22, 24-25, 28-30, and 45-47 are rejected under 35 USC 103(a) as unpatentable over Nidd, of record in view of Beck ,of record.

Claims 32-34, 36-38, 40-41, 43-44 and 48-51 are rejected under 35 USC 103 (a) as unpatentable over Nidd, of record in view of Beck, of record and in further view of Hermann, of record.

Claims 7-8, 18-19, and 26-27 are rejected under 35 USC 103 (a) as unpatentable over Nidd, of record in view of Beck, of record and in further view of Smith, of record.

Applicant has amended claims 45-51 to further distinguish the claimed subject matter from Nidd and Beck, the cited art, both of record.

Applicant in the Sections below (1) responds to the Advisory Action of September 8, 2008 and (2) distinguishes the amended claims 45-51 from the cited art, as follows:

II. Applicant Answers the Examiner's Grounds For The Denial Of Applicant's Request For Reconsideration In the Advisory Action Of September 8, 2008:

The Examiner contends that the subject matter of claims 45-51 is disclosed in Nidd at Paragraphs 1-8; 12-13. The cited Paragraphs disclose using Service Discover Protocol (SDP) for service discovery of other devices. Paragraph 23 discloses obtaining information for the set up of a connection in an ad hoc network related to service/applications provided by a remote device.

Applicant has distinguished the cited Paragraphs in the amendment filed July 28, 2008 and entered into the record. In summary, none of the cited Paragraphs disclose or suggest "an

inquiry result including an indication that said at least one nearby device may include a middleware layer”, as recited in the independent claims 45-51. Nidd at Paragraph 23 discloses “means for establishing a connection to the remote device and for retrieving information related to services provided by the nearby device, the retrieved information being for configuring connections to the remote device before using the discovered services.” There is no disclosure in Paragraph 23 that an inquiry result or response provides an indication the receiving device includes a middleware layer, as described in applicant’s specification at page 20, lines 11-13. Paragraph 23 configures connections between the devices, which does not suggest to a worker skilled in the art that the device includes a middleware layer. Moreover, the Examiner acknowledges that Nidd does not include a middleware layer

The Examiner cites Beck at column 2, lines 44-55 as describing a middleware layer to use, discover and advertise services of a device. The Examiner has not identified nor has applicant found any disclosure in Beck of creating a connection between devices having middleware layers “in response to receiving an indication that the nearby device includes a middleware layer”, as described in applicant’s specification at Paragraph 56.

In summary, Nidd and Beck do not describe (1) an inquiry result or response providing an inquiring device an indication of the presence of a middleware layer, and (2) the indication initiating a connection between an inquiring and an inquired device having middleware layers for exchanging information relative to a target device supporting a required application or service. Applicant submits that Nidd and Beck do not read upon features (1) and (2), above. Withdrawal of the rejection an allowance of the application are requested

II. Applicant’s Amended Independent Claims 45-51 Are Distinguishable From And Patentable Over Nidd and Beck, Both Of Record

Claims 45-51, as amended describe the presence or absence of an indication in an inquiry response from a nearby or peer device to an inquiring device. The presence of the indication initiates wireless application and service information exchange to determine a target device supporting an accessible application or service including distributed information, as described in Paragraph 0010 of applicant’s specification.

The absence of an indication in an inquiry response causes the inquiring device to exit the service discovery process or disregard the inquiry response of the nearby device, as described

in applicant's specification a page 20, lines 16-17.

Nidd describes standard service discovery protocol. Beck describes a middleware layer in a device which does not require a nearby device to have a middleware layer to exchange information. The Examiner has not identified nor has Applicant found disclosure in Nidd and Beck where (1) an inquiring device initiates a middleware connection with a nearby device based upon the presence of an indication in an inquiry response message indicating a middleware layer, (2) the inquiring device initiates messaging between the devices to conduct middleware application and service exchange to identify a target device supporting a required application or service, and (3) the service discovery process is exited or disregarded by the absence of an indication of a middleware layer in an inquiry response. The absence of features 1-3 in Nidd and Beck does not provide a basis for a worker skilled in the art to implement the subject matter of claims 45-51 without undue effort.

Claims 45-51 are distinguishable from and patentable over the cited references for the reasons indicated above. Allowance of amended claims 45-51 and their related dependent claims is requested

CONCLUSION

Based on the foregoing remarks, Applicants respectfully request reconsideration and withdrawal of the rejection of claims and allowance of this application. No new matter has been included in the amended independent claims 45-51.

AUTHORIZATION

The Commissioner is hereby authorized to charge any additional fees which may be required for consideration of this Amendment to Deposit Account No. 13-4500, Order No. 4208-4148.

In the event that an extension of time is required, or which may be required in addition to that requested in a petition for an extension of time, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to Deposit Account No. 13-4500, Order No. 4208-4148.

Respectfully submitted,
MORGAN & FINNEGAN, O.K.

Joseph C. Redmond, Jr.

Dated: September 26, 2008

Joseph C. Redmond, Jr.

Registration No. 18,753

(202) 857-7887 Telephone

(202) 857-7929 Facsimile

Correspondence Address:

MORGAN & FINNEGAN, L.L.P.
3 World Financial Center
New York, NY 10281-2101